



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,702	12/21/2001	Masaharu Nishimura	217720US3	6819

22850 7590 08/12/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KIM, TAE JUN

ART UNIT PAPER NUMBER

3746

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,702	Applicant(s) NISHIMURA ET AL
	Examiner Ted Kim	Art Unit 3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 5 is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/2004 has been entered.

Claim Objections

2. Claim 12 is objected to because of the following informalities: on line 3, "the casing configured to surround ... disposed apart from the combustor and the casing" – the underlined text does not make sense and should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-62549 in view of Neumann (4,411,616). JP '549 teaches a gas turbine

combustor comprising a casing 2 configured to surround a combustor and to be disposed apart from the combustor to define an intake chamber between the combustor and casing; and a sheet-like vibration damper having at least one thin plate 15 which resonates with the vibration of the air in the intake chamber is attached to the inner wall of the casing by an attaching member 17. JP '549 does not teach the plate has a vacant space between. Neumann teaches a vibrating plate 7 with a vacant space between the plate and the wall 1 to absorb vibrational energy. It would have been obvious to one of ordinary skill in the art to employ a vibrating plate with a vacant space between, in order to provide for vibration damping of the casing. JP '549 does not teach the damper having a second section thicker than the first section. Neumann teaches the plate has a thickness of 1 to 3mm and the examiner asserts that such a teaching covers a constant thickness plate and a variable thickness plate within these dimensions. Furthermore, it is noted that many plates have a variable thickness as a matter of manufacturing tolerances. It would have been obvious to one of ordinary skill in the art to employ a second section thicker than the first section, in order to employ a variable thickness plates and/or in order to accommodate manufacturer tolerances. Furthermore, the use of a plurality of plates is considered within the ordinary skill in the art as an obvious use of plural parts for multiplied effect and/or to more easily cover a non-flat surface. It would have been obvious to one of ordinary skill in the art to employ a plurality of plates as an obvious use

of plural parts for multiplied effect and/or to more easily cover a non-flat surface. JP

'549 also teaches a plurality of plates 15 that at least partially overlap.

5. Claims 1, 2, 4, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowan et al (4,199,936) in view of Neumann (4,411,616). Cowan et al teach a gas turbine combustor comprising a casing 22 configured to surround a combustor 21 and to be disposed apart from the combustor to define an intake chamber between the combustor and casing; and a sheet-like acoustic/vibration damper. Cowan et al do not teach at least one thin plate which resonates with the vibration of the air in the intake chamber is attached to the inner wall of the casing by an attaching member. Neumann teaches a vibrating plate 7 with a vacant space between the plate and the wall 1 to absorb vibrational energy. It would have been obvious to one of ordinary skill in the art to employ a vibrating plate with a vacant space between, in order to provide for vibration damping of the casing, in a region that Cowan et al teach requires vibration/acoustic dampening. Note that either the region upstream of the chambers 44 of Cowan et al is contemplated as modifiable. Cowan et al do not teach the damper having a second section thicker than the first section. Neumann teaches the plate has a thickness of 1 to 3mm and the examiner asserts that such a teaching covers a constant thickness plate and a variable thickness plate within these dimensions. Furthermore, it is noted that many plates have a variable thickness as a matter of manufacturing tolerances. It would have been obvious to one of ordinary skill in the art to employ a second section thicker than

Art Unit: 3746

the first section, in order to employ a variable thickness plates and/or in order to accommodate manufacturer tolerances. Furthermore, the use of a plurality of plates is considered within the ordinary skill in the art as an obvious use of plural parts for multiplied effect and/or to more easily cover a non-flat surface. It would have been obvious to one of ordinary skill in the art to employ a plurality of plates as an obvious use of plural parts for multiplied effect and/or to more easily cover a non-flat surface.

Response to Amendment

6. Applicant's arguments with respect to the amended claims have been considered and overcome the art of record and necessitated the new ground(s) of rejection above.

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 703-308-2631. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are

703-872-9306 for Regular faxes and 703-872-9306 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on 703-308-2675.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861.

General inquiries can also be directed to Technology Center Customer Service Office at 703-306-5648 or the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at

<http://www.uspto.gov/main/patents.htm>

_____

Ted Kim
Primary Examiner
August 3, 2004

Telephone	703-308-2631
Fax (Regular)	703-872-9306
Fax (After Final)	703-872-9306

Technology Center 3700 Receptionist
Technology Center 3700 Customer Service
Patents Assistance Center

Telephone	703-308-0861
Telephone	703-306-5648
Telephone	800-786-9199